

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

v.

COLUMBIA UNIVERSITY, et al.,

Defendants.

23 Civ. 10393 (DEH)

JOHN DOE,

Plaintiff,

v.

MARCUS JEREMY HUNTER, et al.,

Defendants.

23 Civ. 10394 (DEH)

JOHN DOE,

Plaintiff,

v.

NEEL H. KACHALIA, et al.,

Defendants.

23 Civ. 10395 (DEH)

ORDER

DALE E. HO, United States District Judge:

In the above-captioned cases, *pro se* Plaintiff John Doe brought claims against various defendants under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”), 42 U.S.C. § 1985(3) (“Section 1985”), and state law. *See Doe v. Columbia*, No. 23 Civ. 10393, ECF No. 1; *Doe v. Hunter*, No. 23 Civ. 10394, ECF No. 10; *Doe v. Kachalia*, No. 23 Civ. 10395, ECF No. 1. In a previous Order, familiarity with which is presumed, the Court granted Non-

Party Eugene Volokh's ("Volokh") motion to intervene and granted in part his motion to unseal the Complaints. *See Columbia*, No. 23 Civ. 10393, ECF No. 46 and *Kachalia*, No. 23 Civ. 10395, ECF No. 29.

Before the Court are Defendants' proposed redactions to the Complaints in *Columbia* and *Kachalia*, *see Columbia*, No. 23 Civ. 10393, ECF No. 47, and *Kachalia*, No. 23 Civ. 10395, ECF No. 32. Also before the Court is Plaintiff's request to remove redactions to certain filings. *See* August 16, 2024 Letter in *Columbia*, No. 23 Civ. 10393, ECF No. 44.

For the reasons set forth below, Defendants' proposed redactions to the Complaints in those cases are **GRANTED** and Plaintiff's request to remove redactions is **DENIED**.

BACKGROUND

Prior to the Complaints in these cases, there was litigation in 2019 over substantially the same events. *See Doe v. Columbia*, No. 19 Civ. 11328 (JPO) (S.D.N.Y.) ("*Doe I*"). After a settlement agreement, that action was voluntarily dismissed with prejudice against Columbia in 2020. *See Doe I*, ECF No. 32-1.

The three above-captioned Complaints were filed on November 24, 2023. *See Columbia*, No. 23 Civ. 10393, ECF No. 1; *Hunter*, No. 23 Civ. 10394, ECF No. 1; *Kachalia*, No. 23 Civ. 10395, ECF No. 1. On the same day, Plaintiff filed identical letters seeking to proceed pseudonymously in each case; the letters are dated July 2, 2023 (i.e., before the complaints were filed), but were docketed on November 24, 2023 in two of the cases, *see Columbia*, No. 23 Civ. 10393, ECF No. 3 and *Hunter*, No. 23 Civ. 10394, ECF No. 3; and on December 5, 2024 in the third case, *see Kachalia*, No. 23 Civ. 10395, ECF No. 4.

With respect to Plaintiff's request to proceed pseudonymously, this Court granted the request in two of the cases on December 5 and 6, 2023, respectively. *See Columbia*, No.

23 Civ. 10393, ECF No. 6; *Kachalia*, No. 23 Civ. 10395, ECF No. 6. While Plaintiff did not request that the Complaints be filed under seal, the Court, following a decision in the *Doe I* litigation, *see Doe I*, 19 Civ. 11328, ECF No. 9, *sua sponte* ordered that the Complaints in these two cases be placed under seal. *See Columbia*, No. 23 Civ. 10393, ECF No. 6 and *Kachalia*, No. 23 Civ. 10395, ECF No. 6.

On January 3, 2024, Non-Party Volokh filed motions to intervene for the limited purpose of seeking unsealing of the Complaints in *Columbia* and *Kachalia*, and to unseal those Complaints. *See Columbia*, No. 23 Civ. 10393, ECF No. 15; *Kachalia*, No. 23 Civ. 10395, ECF No. 11. Defendant Columbia stated it did not oppose unsealing as long as redactions could be made to protect the privacy of others and the terms of the parties' confidential settlement. *See Columbia*, 23 Civ. 10393, ECF No. 29 at 3. Plaintiff opposed the unsealing. *See Columbia*, No. 23 Civ. 10393, ECF No. 25 (docketed in redacted form at ECF No. 40-2).

For the reasons stated in its September 11, 2024 Order, the Court granted Volokh's motion to intervene and granted *in part* his motion to unseal the Complaints. *See Columbia*, No. 23 Civ. 10393, ECF No. 46 and *Kachalia*, No. 23 Civ. 10395, ECF No. 29. The Court directed Defendant Columbia to file a letter brief with proposed redactions to the Complaints by September 27, 2024, and Plaintiff to file an opposition, if any, by October 11, 2024. *Id.*

DISCUSSION

I. Defendants’ Proposed Redactions to Complaints

On September 27, 2024, Columbia filed their proposed redactions to Plaintiffs’ Complaints. Plaintiff did not file any opposition by October 11, 2024. After considering the Defendants’ now-unopposed proposed redactions, the Court has made an independent assessment as to the propriety of the proposed redactions to the Complaints, consistent with its September 11, 2024 Order. The Court determines that the proposed redactions are “narrowly tailored” to protect the privacy interests of the Plaintiff and non-parties. *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 144 (2d Cir. 2016).

II. Plaintiff’s Request to Remove Redactions to Various Filings

On August 16, 2024, Plaintiff requested to remove redactions to portions of Plaintiff’s Opposition to *Sua Sponte* Dismissal, *see Columbia*, No. 23 Civ. 10393, ECF No. 39-1, and his Intervention Opposition, *see Columbia*, No. 23 Civ. 10393, ECF No. 39-2. Specifically, Plaintiff sought various forms of relief, including that the Court “[r]econsider the scope of Columbia’s redactions.” *Columbia*, No. 23 Civ. 10393, ECF No. 44 (the “August 16 Letter”) at 1. On September 11, 2024, the Court directed Plaintiff to file a letter brief identifying specific portions of those filings Plaintiff believes should not be redacted and set forth his reasons by September 27, 2024. *See Columbia*, No. 23 Civ. 10393, ECF No. 46 and *Kachalia*, No. 23 Civ. 10395, ECF No. 29. Plaintiff did not file any timely letter brief.

Thus, the Court will keep these filings redacted, as the redactions are narrowly tailored to protect the privacy and confidentiality interests identified in the Court’s August 1 Order. *See Columbia*, No. 23 Civ. 10393, ECF No. 36 (the “August 1 Order”).

CONCLUSION

In sum, the Court **GRANTS** Defendants' proposed redactions to the Complaints in *Columbia*, No. 23 Civ. 10393 and *Kachalia*, No. 23 Civ. 10395 and **DENIES** Plaintiff's motion to unredact filings, *see Columbia*, No. 23 Civ. 10393, ECF Nos. 39-1, 39-2.

Columbia is directed to file redacted versions of the Complaints previously filed as Exhibits A & B, ECF No. 47, at 5-69, 72-86.

The Clerk of Court is respectfully requested to docket this order in the three above-captioned cases.

SO ORDERED.

Dated: October 15, 2024

New York, New York

A handwritten signature in black ink, appearing to read 'Dale Ho', is written over a horizontal line.

DALE E. HO

United States District Judge